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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/897,742	07/02/2001	Eun-Jun Kwak	3598-15	8177
7590	07/02/2004		EXAMINER	
M. Arthur Auslander Auslander & Thomas 505 Eighth Avenue New York, NY 10018-6505			CHANG, JON CARLTON	
			ART UNIT	PAPER NUMBER
			2623	
			DATE MAILED: 07/02/2004	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/897,742	KWAK, EUN-JUN	
	Examiner	Art Unit	
	Jon Chang	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-3 is/are rejected.
- 7) Claim(s) 4-6 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 02 July 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.
- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-3 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,556,196 to Blanz et al. (hereinafter "Blanz").

Regarding claim 1, Blanz discloses a method for creating a caricature (column 7, lines 43-47), comprising the steps of;

- a) inputting source data for the caricature creation (column 12, lines 13-14 and 28-30);
- b) analyzing respective parts of the inputted source data and extracting a caricature model on the basis of each of the analyzed results of the parts (column 12, line 14 and 31-33; column 4, lines 65-67; column 7, lines 43-47; column 10, lines 39-60);
- c) synthesizing the results analyzed and extracted at said step b) (column 12, lines 40-41); and

d) synthesizing a background image with the result synthesized at said step c)
(that part of the generated image which is not the caricature itself).

As to claim 2, Blanz discloses the method as set forth in Claim 1, wherein said source data is a figure photograph or an image picked up by a camera (column 12, lines 8-30).

Regarding claim 3, Koshimizu discloses the method as set forth in claim 2, wherein said step b) includes the steps of:

b-1) calculating the shape of a face in said figure photograph or image (section II.1 in column 6; column 8, lines 12-13); and

b-2) calculating bright and dark portions of said face and determining a face shape to be employed in said caricature on the basis of the calculated results (column 8, lines 17-25; bright and dark portions is implied by the light intensity and/or surface shininess).

3. Claims 1-3 are rejected under 35 U.S.C. 102(a) as being anticipated by the article, "On KANSEI Facial Image Processing for Computerized Facial Caricaturing System PICASSO" by Koshimizu et al. (hereinafter "Koshimizu").

Regarding claim 1, Koshimizu discloses a method for creating a caricature, comprising the steps of;

a) inputting source data for the caricature creation (section 2.1, first sentence, "input face");

b) analyzing respective parts of the inputted source data and extracting a caricature model on the basis of each of the analyzed results of the parts (section 3.1, first sentence and first sentence of third paragraph; section 4.3.1, page VI-298, the caricaturing is "model drive");

c) synthesizing the results analyzed and extracted at said step b) (section 4.3.2, step 3); and

d) synthesizing a background image with the result synthesized at said step c) (that part of the generated image which is not the caricature itself).

As to claim 2, Koshimizu discloses the method as set forth in Claim 1, wherein said source data is a figure photograph or an image picked up by a camera (e.g., Figs.5 and 9).

Regarding claim 3, Koshimizu discloses the method as set forth in claim 2, wherein said step b) includes the steps of:

b-1) calculating the shape of a face in said figure photograph or image (section 3.2, first sentence); and

b-2) calculating bright and dark portions of said face and determining a face shape to be employed in said caricature on the basis of the calculated results (e.g., note the bright and dark portions in Fig.4).

Allowable Subject Matter

4. Claims 4-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

References Cited

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 6,385,628 to Massarsky discloses a method of creating a caricature of an image of a user, which establishes control points, the distances between which are altered.

U.S. Patent 6,484,901 to Kim discloses an automatic vending machine for producing a caricature printed article.

“3D Modeling System of Human Face and Full 3D Facial Caricaturing” by Fujiwara et al. teaches a method for 3D facial caricaturing.

“Automatic View Based Caricaturing” by Pujol et al. teaches a method for generating caricatures using image operators.

“KANSEI Facial Caricaturing Based on the Eye-Camera Interface from Gallery” by Tominaga et al. teaches generating a caricature based on visual information acquired from an eye-camera.

"On Autonomous Control Method for Facial Caricature Generation Based on a Model of Visual Illusion" by Murakami et al. teaches using visual illusions to control exaggeration process in caricaturing.

Published European Patent Application EP 0 990 979 A1 discloses an image transformation device for producing caricatures.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon Chang whose telephone number is (703)305-8439. The examiner can normally be reached on M-F 8:00 a.m.-6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au can be reached on (703)308-6604. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jon Chang
Primary Examiner

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Jon Chang
June 28, 2004